

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                           |   |                           |
|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, | ) |                           |
|                           | ) |                           |
|                           | ) | Criminal No: 16-10225-DPW |
|                           | ) |                           |
| v.                        | ) |                           |
|                           | ) |                           |
| EDWARD J. TUTUNJIAN       | ) |                           |
| EJT MANAGEMENT, INC.,     | ) |                           |
|                           | ) |                           |
| Defendants.               | ) |                           |

**ASSENTED-TO MOTION TO CONTINUE SENTENCING**

The United States respectfully requests that the sentencing in this case currently scheduled for Thursday, November 17, 2016, be continued to 10 a.m. on December 13, 2016, and states the following in support of this request:

1) Both parties filed their respective sentencing memoranda at the end of the day on November 10, 2016, one week in advance of sentencing. [D. 24, 26]. Defendant Tutunjian's filing raised specific concerns about the ability of the United States Bureau of Prisons ("BOP") to care for, monitor, and treat Tutunjian's diabetes and hypertension, and, among other things, included an affidavit from Phillip S. Wise, a former BOP administrator and warden who made various assertions about the medical care Tutunjian is likely to receive at a BOP facility. [D. 26: Ex. 11].

2) Because of the Veterans Day holiday and weekend, the government was first able to consult with BOP about a response yesterday. The government provided BOP with the relevant pages of Tutunjian's PSR, the letters from Tutunjian's physicians, the Wise affidavit and the DOJ-OIG report on medical staffing challenges at the BOP. [D.26: Exs. 9, 10, 11, & 12].

3) Michael D. Tafelski, BOP's regional counsel for this area, advised the undersigned that the Regional Health Services Administrator (RHSA) who would provide the response was out of the office on Monday. Tafelski and his colleague who assist the RHSA in reviewing the materials and in preparing the response are also out several days this week. Tafelski advised that their first opportunity to discuss the issues with the RHSA would be Wednesday, giving them insufficient time to adequately review the materials and prepare a proper response for the sentencing as presently scheduled. Additionally, the RHSA is out of the office all of Thanksgiving week as well.

4) The government submits that although Tutunjian had provided U.S. Probation and the government with information about his medical history, the government had not previously been advised of their specific medical assertions about the efficacy of the medications and other treatment that Tutunjian would or would not receive in prison. The government believes that it is important for the Court, the government, and the public that it have an adequate opportunity to submit an informed response to these claims.

5) The government has consulted with defense counsel and represents to the Court that defendant agrees to the continuance. The Court's courtroom deputy has advised that there is time on the Court's calendar at 10 a.m. on December 13, which also is convenient for the parties. Defendant Tutunjian is not in custody.

6) Accordingly, the government requests that it be permitted to file and serve a memorandum with the BOP response on or before December 6, 2016, and that the sentencing be continued to 10 a.m. on December 13, 2016, or other date thereafter which is convenient for the

Court. Because defense counsel represents both Tutunjian and co-defendant EJT Management, Inc., the parties request that both sentencings be continued to the same date and time.

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

By: /s/ Sandra S. Bower  
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Sandra S. Bower  
SANDRA S. BOWER  
Assistant United States Attorney

Date: November 15, 2016